

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ROBERT ROSS,

Plaintiff,

v.

AT&T MOBILITY LLC, ONE TOUCH  
DIRECT, LLC, and ONE TOUCH DIRECT –  
SAN ANTONIO, LLC,

Defendants.

CASE NO. 4:19-CV-06669 (JST)

**JOINT CASE MANAGEMENT  
STATEMENT & [PROPOSED] ORDER**

**Hearing:**

Date: April 20, 2021

Time: 2:00 PM

Place: Videoconference

Judge: Judge Jon S. Tigar

Pursuant to Civil Local Rule 16-10 and this Court's October 23, 2020 Order, Plaintiff Robert Ross ("Mr. Ross"), Defendant AT&T Mobility LLC ("AT&T"), and Defendants One Touch Direct, LLC and OneTouch Direct – San Antonio LLC (collectively, "One Touch") hereby submit this Joint Case Management Statement and Proposed Order. This Joint Case Management Statement identifies subjects covered by the initial Joint Case Management Statement and Order as to which there are updates or changes since the updated Joint Case Management Statement filed January 5, 2021. Where the parties have disagreements in their respective submissions below, the fact that any assertion in either submission is not addressed or refuted by the opposing party does not reflect that party's agreement to the assertion at issue.

## **I. PROGRESS AND CHANGES SINCE LAST STATEMENT WAS FILED**

### **A. MOTIONS**

#### **1. Changes Since Last Statement Was Filed With Respect To Potential Future Motions**

Mr. Ross and AT&T have filed a pending joint administrative motion to file under seal their joint discovery letter brief to before Magistrate Judge Ryu. AT&T and One Touch also anticipate each filing a motion for summary judgment at an appropriate time. The parties anticipate that they may also have to file further discovery motions if the meet and confer process does not resolve discovery disputes.

The parties also anticipate needing to file a motion to adjust the schedule for this case. After One Touch was added as a defendant in this case, the parties stipulated to an extension of discovery from April 9 to July 8, with a trial setting in February 2022. However, that discovery extension now appears to be inadequate, given that no documents have yet been produced between One Touch Direct, and Mr. Ross and AT&T still have disputes over document production. Accordingly, the parties anticipate proposing an extension to the case schedule to address this issue.

### **B. AMENDMENT OF PLEADINGS**

AT&T filed its answer to Mr. Ross's First Amended Complaint on January 12, 2021. One Touch filed its answer to the same on January 29, 2021.

1       **C. DISCOVERY AND DISCLOSURES**

2           Mr. Ross served his second set of requests for production and interrogatories on AT&T on  
3 March 10, 2021, and AT&T served its responses and objections on April 9, 2021. AT&T anticipates  
4 serving its second set of requests for production and interrogatories on Mr. Ross in the next week.

5           Mr. Ross served discovery to One Touch, with its responses due on May 7, 2021.

6           One Touch also served discovery on Mr. Ross on March 22, 2021, with Mr. Ross's responses  
7 due in April 2021. One Touch also anticipates serving discovery to AT&T within the next week.

8           AT&T recently served a third production in response to Mr. Ross's requests for production and  
9 interrogatories on March 30, 2021, and a fourth production on April 10, 2021.

10          Finally, on March 23, 2021, Mr. Ross and AT&T filed a pending joint discovery letter brief  
11 before Magistrate Judge Ryu.

12          The parties continue to engage in the meet and confer process with respect to their respective  
13 responses to written discovery. The parties anticipate that the current discovery schedule (with a close  
14 of fact discovery on July 8, 2021) will be difficult or impossible to maintain. As noted above, One  
15 Touch and Mr. Ross are just beginning to discover documents from each other, and Mr. Ross and  
16 AT&T already have one discovery dispute before Magistrate Judge Ryu; more disputes may develop.

17        **D. ADR OPTIONS**

18          The parties completed a private mediation in September 2020, which was ultimately  
19 unsuccessful. The parties are amenable to the Court scheduling a settlement conference before a  
20 magistrate judge prior to trial.

1 Dated: April 13, 2021

By: /s/ Ashley E. Johnson

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## **FILER'S ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), Ashley E. Johnson hereby attests that concurrence in the filing of this document has been obtained from all the signatories above.

Dated: April 13, 2021

/s/ Ashley E. Johnson

Ashley E. Johnson

1                   **[PROPOSED] CASE MANAGEMENT ORDER**

2                   The above JOINT CASE MANAGEMENT STATEMENT is approved as the Case  
3 Management Order for this case and all parties shall comply with its provisions.

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5 IT IS SO ORDERED.  
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7 Dated: \_\_\_\_\_, 2021  
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11                   HON. JON S. TIGAR  
12                   UNITED STATES DISTRICT JUDGE  
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